

CLEMENT SETH ROBERTS (STATE BAR NO. 209203)
croberts@orrick.com
BAS DE BLANK (STATE BAR NO. 191487)
basdeblank@orrick.com
ALYSSA CARIDIS (STATE BAR NO. 260103)
acaridis@orrick.com
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

SEAN M. SULLIVAN (*pro hac vice*)
sullivan@ls3ip.com
J. DAN SMITH (*pro hac vice*)
smith@ls3ip.com
MICHAEL P. BOYEA (*pro hac vice*)
boyea@ls3ip.com
COLE B. RICHTER (*pro hac vice*)
richter@ls3ip.com
LEE SULLIVAN SHEA & SMITH LLP
656 W Randolph St., Floor 5W
Chicago, IL 60661
Telephone: +1 312 754 0002
Facsimile: +1 312 754 0003

Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

SONOS, INC.,
Plaintiff and Counter-defendant,
v.
GOOGLE LLC,
Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**SONOS, INC.'S OPPOSITION TO
GOOGLE LLC'S MOTION *IN LIMINE*
NO. 3**

Judge: Hon. William Alsup
Pretrial Conf.: May 3, 2023
Time: 12:00 p.m.
Courtroom: 12, 19th Floor
Trial Date: May 8, 2023

MEMORANDUM OF POINTS AND AUTHORITIES**I. INTRODUCTION**

Google's Motion *in Limine* No. 3 seeks to exclude Sonos's technical expert, Dr. Kevin Almeroth, and Sonos's damages expert, Mr. James Malackowski, from providing opinions that Google's purported non-infringing alternatives for the '885 and '966 patents are not viable because they infringe other *unasserted* Sonos patents. *See* Mot. at 1-3.

II. ARGUMENT

While Sonos disagrees with the assertions set forth in Google's Motion *in Limine* No. 3, Dr. Almeroth and Mr. Malackowski will not provide opinions at the upcoming trial that Google's purported non-infringing alternatives for the '885 and '966 patents infringe *unasserted* Sonos patents.

However, Sonos will present argument that Google's purported non-infringing alternatives for the '885 and '966 patents still infringe the *asserted* '885 and/or '966 patents. Additionally, Sonos and/or its witnesses may reference and/or rely on other unasserted Sonos patents for other purposes.

III. CONCLUSION

Google's Motion *in Limine* No. 3 is moot.

Dated: April 24, 2023

ORRICK HERRINGTON & SUTCLIFFE LLP
and
LEE SULLIVAN SHEA & SMITH LLP

By: /s/ Clement Seth Roberts
Clement Seth Roberts

Attorneys for Sonos, Inc.

ATTESTATION

I, Sean Pak, am the ECF user whose ID and password are being used to file the above document. In compliance with Civil L.R. 5-1, I hereby attest that counsel for Sonos has concurred in the aforementioned filing.

DATED: April 26, 2023

/s/ Sean Pak

Sean Pak